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Debby Willis, Chairperson  
Angelia Christopher, Administrative Assistant

## **ORDINANCE REVIEW COMMITTEE MINUTES**

**Monday December 21, 2020@ 5:00 PM**

**VIA Virtual Conferencing**

\*In accordance with An Act To Implement Provisions Necessary to the Health, Welfare and Safety of the Citizens of Maine in Response to the COVID-19 Public Health Emergency, as enacted to read: Sec. G-1 1 MRSA §403-A Public proceedings through remote access during declaration of state of emergency due to COVID-19

**1. Call the meeting to order-**Chair Willis called the meeting at 5:06 pm

**2. Roll Call-** Chair Willis, Planner Mark Eyerman, Mayor Pat Hart, Rusty Greenleaf, Lester Young. Clare Marron and Louis Sigel were not present. City Manager- Christine Landes, Patricia Buck-Welton, Tracey Desjardins- Economic Development Director, Angelia Christopher- Planning and Development Assistant.

**3. Review of November 16, 2020 meeting notes-** Chair Willis asks if anyone has corrections. –Rusty has one correction- His name is listed wrong in the 11/16 minutes. Chair Willis ask for a motion to approve the minutes with this one correction Rusty makes a motion that the board accept the minutes as amended. Lester Young offers a second motion. Roll call vote: Mayor Pat Hart-yes, Rusty Greenleaf- yes, Lester Young- yes, Chair Debby Willis- yes. All in favor.

### **Continue- Review possible amendments to the LUO dealing with retail marijuana establishments.**

Mark presents info about the amendments that he made per request of the Ordinance Review Committee. He added the change of increasing the separation distance between establishments to 500 feet in the TD and IT Districts. He eliminated the various types of retail marijuana establishments in the CC, MUV, and PHD Districts. This would leave retail establishments as allowed only in the TD and IT Districts. He also clarified how the distance between establishments is measured. He also added a provision based on state standards in the performance standards for marijuana establishments dealing with odor control. He also added a requirement that applicants for site plan review for all marijuana establishments have to submit and odor control plan. This also follows the language in the state rules. If there is an expansion of existing business, they would need to address odor. The goal of the separation distance is to limit establishments in the area. Mark points out to the committee that it depends where the first business is, in regards to distance.

Mark asks what the plan should be for the PD district. Following discussion, it seems that there is interest to open a marijuana grow facility in the PD district and also MUV. Which is concerning, because there are so many residential units in MUV. Chair Willis asks if committee members are interested in expanding grow facilities into PD and MUV. After inquiring with committee members, there seems to be a firm consensus against it.

Committee members feel that there are enough marijuana businesses in the City, and that we should not be working to appease people that own these businesses, when many of the owners are not from Gardiner or even Maine. Mayor Hart brings up the topic of parks and commercial schools, which has been brought up a few times by community members. These areas are not mentioned in the marijuana ordinance, but should they be? Does this Committee want to add commercial schools to the list? There is a mention of commercial schools in the ordinance. If the marijuana ordinance were changed to read any educational facilities, it should cover Commercial schools as well. Patricia Buck Welton states that these changes are very good, and she is pleased with the process. She also states if anyone at the City has issues with anything marijuana related, that they should contact the Office of Marijuana Policy. That office is the place for compliance concerns, and other issues. This is where the licensing procedures come in handy. The Ordinance requires a report stating who works there, where they are doing the work, documenting the operation of the license facility is important, because the city council licensing procedure requires and annual relicensing. During the relicensing process the ordinance requires reports from code, police and fire as to whether there are any issues or problems. That way documenting any signs of incompliance can happen, and be seen when it comes to licensing process. Lester states there is a trend, countrywide where the lines between recreational and medical use are muddying. There is also a push to have people 21 and under to get their medical card, so that medical use marijuana can be distributed. Mark will do some edits and bring this back for review. The moratorium is in place until September 2021, this amount of time will be needed to get this through all the right channels to get it approved. Mark will work on this and bring it back for review.

#### **Continues-Review possible amendments to the LUO to address tiny homes:**

Tiny homes, the only change that was made is language about the standards for accessory dwelling units. In order to place a Tiny Home, there needs to contain 20000 of lot area. Another change is that they will be excluded from HDR unless there is a large oversized lot. Mark states that this is one area that Jon Pottle should look at the language about performance standards. Mark states that we need to meet the relevant sections of state requirements for putting a manufactured housing unit on a lot. It would be good for Jon to look at that language to make sure everything is covered. Tracey Desjardins states that yes, this can be sent to Mr. Pottle for review. Mark asks if we are ready to send it to planning board or does it need to go Jon first? Lester Young asks this amendment can be submitted contingent for Mr. Pottle's review? Mark states that he believes it will not be on the agenda until February. There are standards for manufacture housing, such as a required pitched roof, residential siding, etc. Mark is not sure how relevant are those standards are in particular to tiny homes. The only place that the city regulates the design is if it's in HDR.

The structure has to be compatible with the established neighborhood. Meet the neighborhood compatibility standards send to Jon for performance standards. And then it can go to planning board. Chair Willis asks for a motion to send this to Planning Board after Jon Pottle looks at it. Lester Young offers a motion, Rusty Greenleaf seconded the motion. Roll call vote; Rusty Greenleaf- yes, Lester Young- yes, Pat Hart- yes, and Debby Willis- yes. All in favor

**Address a possible Cemetery Ordinance.** Mark gave the committee a bunch of info because he was not sure what direction the City wanted to go with this ordinance. There are concerns from Building and Grounds staff about the maintenance of grave sites. Staff are concerned about cleaning up gravesites of long gone floral arrangements, and other debris. Mark stated that the only info he could find pertaining to cemeteries that was already established is that you can't drive in cemeteries at night. Mark asks the committee what the goal of this ordinance is. The overall consensus to develop an ordinance addressing the maintenance of gravesite standards. The one from Albion, more issues that we have. Tracey, what is it we are looking for. One of the biggest areas of concern is the maintenance of the cemetery. As of now, there is nothing in the ordinance that states that staff can clean up the area of the cemetery. Rusty Greenleaf can offer some info as he is the Principal Officer of Oak Grove Cemetery. Buildings and grounds staff want to keep the city owned cemeteries, such as Plaisted

Cemetery, Libby Hill cemetery, and the one in South Gardiner clean. It is brought up that there is an older, little known about cemetery between the Marston Rd, and Brunswick Ave, that needs to be under the maintenance umbrella, (a discussion of the whereabouts of these gravesites followed). Plantings make it difficult for maintenance of the cemetery. Staff would like to have written permission to remove materials so they can mow and weedwack. Rusty states that Oak grove has bi laws showing what is allowed and not allowed when someone purchases a lot. At times there are some really big displays left on graves. Staff try to get surviving family members to do the cleanup but that doesn't always happen. It is written Oak Grove's bi laws, that plantings and other arrangements have so many days to be displayed and after that, staff have the authority to remove it. People are putting really big displays, if there are surviving members, they try to get the owners to do it. If a lot is not taken care of by the lot owner, the cemetery has the power to do it. There was a discussion about developing signs, that show timeframes for when plantings and such will be removed. Rusty Greenleaf states that everyone that buys a lot at Oak Grove, is given bi laws. Mark asks if this is going to end up a set of rules or an ordinance that gets adopted by city council. What would be better for the city? The committee feels that rules tend to get forgotten overtime with personnel changes. The committee feels an ordinance is more effective. Mark will work on an ordinance.

**Next meeting** –is normally scheduled for January 18, 2021 at 5pm – This is a holiday, so a reschedule needs to happen. The committee decides on January 25<sup>th</sup>. All are in favor of this date at 5pm.

**Adjourn:** Chair Willis asks for a motion to adjourn, at 6:35 pm. Rusty Greenleaf makes a motion to adjourn. , Mayor Hart seconded the motion. Roll call vote. Rusty Greenleaf- yes, Lester Young- yes, Pat Hart- yes, and Debby Willis- yes. All in favor